

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
JUL 16 2010
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

§

DAVID J. MALAND, CLERK
BY
DEPUTY _____

v.

§

No. 4:10CR 154

§

Judge Schell

§

JOHN KYLE HARKINS

§

INFORMATION

The United States Attorney charges:

Count One

Violation: 21 U.S.C. Section 846
(Conspiracy to Possess with Intent to
Distribute Marijuana)

From in or about 2008, the exact date unknown to the United States Attorney, and continuously thereafter up to and including the date of the filing of this Information, in the Eastern District of Texas and elsewhere, **John Kyle Harkins**, defendant herein, did knowingly or intentionally conspire, agree or have a tacit understanding with other co-conspirators or with other persons known or unknown to the United States Attorney to knowingly or intentionally possess with the intent to distribute 159 marijuana plants in violation of 21 U.S.C. § 841(a)(1).

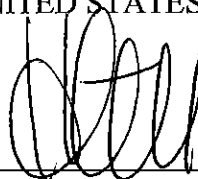
In violation of 21 U.S.C. § 846.

Count Two

Violation: 18 U.S.C. § 924(c)(1) (Possession of a firearm in furtherance of a drug trafficking crime)

On or about June 19, 2008, in relation to the conspiracy charged in Count One of this Information which occurred within the Eastern District of Texas and elsewhere, defendant **John Kyle Harkins** intentionally or knowingly during or in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, more specifically, Conspiracy to Possess with the Intent to Distribute Marijuana in violation of 21U.S.C. § 846, possessed in furtherance of the said drug trafficking crime a firearm; that is, an HK P2000 SK 40 Caliber Semi Automatic Pistol, Serial Number 122-004553.

JOHN M. BALES
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read 'H. Rattan', is written over a horizontal line.

HEATHER HARRIS RATTAN
Assistant United States Attorney

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NOTICE OF PENALTY

Count One

VIOLATION: 21U.S.C. § 846

PENALTY:

Imprisonment of not less than 5 years and not more than 40 years, a fine not to exceed \$2,000,000.00 and a term of supervised release of at least 4 years.

MANDATORY ASSESSMENT: \$100.00

Count Two

VIOLATION: 18 U.S.C. Section 924(c)(1)

Possession of a Firearm in Furtherance of a Drug Trafficking Crime

PENALTY:

Imprisonment for five (5) years **consecutive** to any other term of imprisonment, a fine of not more than \$250,000.00 and a term of supervised release of not more than three (3) years.

MANDATORY ASSESSMENT: \$100.00